

**UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND**

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JOHN FREITAS, et al.  
Plaintiffs

v.

PETER KILMARTIN, in his official capacity  
as Attorney General of the State of Rhode  
Island, and A.T. Wall II, in his official capacity  
as Director of the Department of Corrections of  
the State of Rhode Island.  
Defendants

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C.A. No. 1:15-cv-00450-M-LDA

ORDER

The Plaintiffs filed a Motion for Class Certification and Appointment of Class Representatives and Class Counsel (ECF No. 13) to which the State objected (ECF No. 20). Plaintiffs did not file a reply. After due consideration, it is hereby:

ORDERED

1. The Plaintiffs' motion for class certification is denied at this time because any injunctive relief awarded "would inure to the benefit of all those similarly situated, and would be identical regardless of whether or not the action is maintained as a class action." Order Denying Class Certification, *Dionne v. Bouley*, 582 F.Supp. 307 (1984) (No. 82-0602) (Judge Pettine).
2. The circumstances of this case are very similar to the circumstances in *Dionne v. Bouley*, 757 F.2d 1344, 1356-57 (1st Cir. 1985) (upholding Judge Pettine's denial of class certification in a case challenging the validity of Rhode Island's statutory scheme of postjudgment attachments). Because the relief in this case can "be obtained through an

individual injunction without the complications of a class action”; the “[P]laintiff[s]’ claim[s] [are] not moot”; the Plaintiffs are represented by counsel “that can be expected to maintain an ongoing interest” in overseeing any decree that may be granted; and because the court can “reasonably assume the good faith of [the] [State] [D]efendant[s]”; certifying the class would not be appropriate in these particular circumstances. *Id.*

3. The court agrees with the State’s assessment that “certification of a class will not help to procure a just speedy, and inexpensive resolution [of this action], but [would] instead create undue expense and unnecessary delay, adding nothing.” ECF No. 20 at 3.
4. If the circumstances of this case change in the future, the Plaintiffs are free to file a renewed motion for class certification.

SO ORDERED:

A handwritten signature in dark ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.  
United States District Judge

Date: February 8, 2016